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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,859	01/04/2001	Chad Daniel Fisher	2000-12	4297

7590 11/07/2003

KoSa
4501 Charlotte Park Drive
Charlotte, NC 28217-1979

EXAMINER

SELLERS, ROBERT E

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 11/07/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,859

Applicant(s)

FISHER, CHAD DANIEL

Examiner

Robert Sellers

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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This is responsive to the Request for Continued Examination and preliminary amendment filed March 25, 2003 (Paper Nos. 12 and 13, respectively).

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 24-32 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed.

Independent claim 24 requires an epoxy "activated with an alkali," independent claim 31 defines "sufficient alkali additive to buffer the composition," and claims 30 and 32 specify sodium hydroxide as the alkali.

There is no mention of "alkali" anywhere in the specification. There is no description of an alkali which activates an epoxy, nor an alkali which buffers the composition. The table on page 11 lists 1.96 parts of 50 weight percent of sodium hydroxide. Page 12, line 2 sets forth the mixing of sodium hydroxide with water, followed by the addition of resorcinol and formaldehyde. There is no indication of any association of the sodium hydroxide with the epoxy since it is employ in conjunction with resorcinol and formaldehyde. The specification only substantiates the use of sodium hydroxide without any characterization as to its function.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 24-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Mori et al.

Mori et al. (col. 9, Table 2, RF solution) shows the use of sodium hydroxide. Otherwise, the rejection is maintained for the reasons of record set forth in the previous Office actions.

Claims 24-26 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 10-25666, Afdermarsh, Jr., Takata, Imai et al. and Japanese Patent Nos. 11-286875, 9-12997, 10-46475, 2000-8280, 62-276091 and 10-212674 in view of Mori et al.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 10-25666, Aufdermarsh, Jr., Takata, Imai et al. and Japanese Patent Nos. 11-286875, 2000-8280 and 10-212674 in view of Japanese Patent Nos. 4-316670 and 8-13346.

Mori et al., Imai et al. (col. 15, lines 50-56 and col. 16, lines 12-17 and 22-27) and the translation of Japanese Patent No. 9-12997 (page 8, Table 2 and page 9, Table 4) show the inclusion of sodium hydroxide together with an epoxy resin and resorcinol-formaldehyde latex.

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It would have been obvious to formulate the compositions of Japanese '666, Aufdermarsh, Jr., Takata and Japanese '875, '280 and '674 with the sodium hydroxide of Mori et al., Imai et al. and Japanese '997 in order to optimize the formation of the resorcinol-formaldehyde latex.

(703) 308-2399 (Fax no. (703) 872-9310)
Monday to Friday from 9:30 to 6:00 EST

A handwritten signature in black ink, appearing to read 'Robert Sellers', is positioned above the printed name.

Robert Sellers
Primary Examiner
Art Unit 1712

rs
4/29/03